

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

04 AUG 18 AM 8:10
U.S. DISTRICT COURT
N.D. OF ALABAMA

ANTHONY CABLE,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 04-P-0651-M
)
COMMISSIONER DONAL CAMPBELL,)
NAPHCARE, INC., DOCTOR TINGLEY,)
NURSE FURLOW, NURSE CHAPMAN,)
DOCTOR A. LADIPO, NURSE PORTER,)
CAPTAIN ROBERT SIMMONS, and)
WARDEN RALPH HOOKS,)
)
Defendants.)

ENTERED
100 AUG 18 2004

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on July 20, 2004, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failure to state a claim for which relief can be granted. The plaintiff filed objections to the report and recommendation.¹

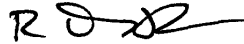
Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed

¹It is noted that the plaintiff complains about Nurse Cook in his objections. Nurse Cook, however, is not a defendant in this action. It is further noted that Captain Simmons merely deferred to the medical personnel who were seeing the plaintiff.

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pursuant to 28 U.S.C. § 1915(b). A final judgment will be entered.

DATED this 17th day of August, 2004.

A handwritten signature in black ink, appearing to read 'R D Proctor', written above a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE